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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

First performance report of the International Criminal Tribunal for Rwanda for the biennium 2008-2009

Report of the Secretary-General

Summary

The first performance report of the International Criminal Tribunal for Rwanda for the biennium 2008-2009 is submitted pursuant to General Assembly resolution 62/229. The present report reflects a requirement for additional appropriations of $7 million, net of staff assessment, over the initial appropriation for the biennium 2008-2009. The increased requirements reflect changes with respect to exchange rates, inflation and standard salary costs. The Assembly is requested to approve an additional appropriation for the biennium 2008-2009 in the amount of $7,831,700 gross ($6,948,000 net) to the Special Account for the International Criminal Tribunal for Rwanda.

08-61386 (E) 251108

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I. Introduction

1. The primary purpose of the first performance report is to identify adjustments required owing to variations in the rates of inflation and exchange, and in the standards assumed in the calculation of the initial appropriations.

2. The net increase in requirements of $6,984,000 for the International Criminal Tribunal for Rwanda resulting from these technical adjustments is shown in tables 1 and 2 below. Table 1 reflects the changes by component and main determining factor, and table 2 reflects the changes by object of expenditure and main determining factor.

3. Explanations of the variations in the costing parameters assumed in the calculation of the initial appropriations are provided in paragraphs 5 and 6 below. In addition, the annex provides the budgetary assumptions used in the initial appropriations for the biennium 2008-2009 and the rates now proposed in the present report.

Table 1
Summary of projected expenditures and income by component and main determining factor
(Thousands of United States dollars)

		Projected changes				
Component	*2008-2009 appropriation*[a]	*Exchange rate*	*Inflation*	*Standards*	*Total*	*Proposed revised appropriation*
A. Chambers	8 996.9	(27.7)	1 167.5	—	1 139.8	10 136.7
B. Office of the Prosecutor	58 965.5	(354.7)	1 531.6	475.8	1 652.7	60 618.2
C. Registry	190 760.9	(1 000.6)	4 951.6	729.7	4 680.7	195 441.6
D. Records management and archives	8 632.9	(112.8)	471.3	—	358.5	8 991.4
Total expenditure (gross)	**267 356.2**	**(1 495.8)**	**8 122.0**	**1 205.5**	**7 831.7**	**275 187.9**
Income						
Staff assessment income	19 889.6	(73.3)	127.4	829.6	883.7	20 773.3
Total (net)	**247 466.6**	**(1 422.5)**	**7 994.6**	**375.9**	**6 948.0**	**254 414.6**

[a] As approved in resolution 62/229.

Table 2
Summary of projected expenditures by object of expenditure and main determining factor
(Thousands of United States dollars)

		Projected changes				
Component	*2008-2009 appropriation*[a]	*Exchange rate*	*Inflation*	*Standards*	*Total*	*Proposed revised appropriation*
Posts	170 097.2	(920.9)	4 606.7	375.9	4 061.7	174 158.9
Other staff costs	16 556.4	(384.2)	(248.6)	—	(632.8)	15 923.6
Non-staff compensation	8 362.5	(27.7)	1 151.7	—	1 124.0	9 486.5
Consultants and experts	1 034.0	10.5	52.9	—	63.4	1 097.4

Component	*2008-2009 appropriation*[a]	*Projected changes*				*Proposed revised appropriation*
		Exchange rate	*Inflation*	*Standards*	*Total*	
Travel of representatives	634.4	—	15.8	—	15.8	650.2
Travel	4 977.6	—	121.3	—	121.3	5 098.9
Contractual services	23 714.2	10.0	1 250.0	—	1 260.0	24 974.2
General operating expenses	13 485.6	(83.2)	733.5	—	650.3	14 135.9
Hospitality	7.1	(0.2)	0.3	—	0.1	7.2
Supplies and materials	3 172.9	(15.1)	170.0	—	154.9	3 327.8
Furniture and equipment	2 347.7	(10.5)	125.5	—	115.0	2 462.7
Improvement of premises	289.8	(1.2)	15.5	—	14.3	304.1
Grants and contributions	2 787.2	—	—	—	—	2 787.2
Staff assessment	19 889.6	(73.3)	127.4	829.6	883.7	20 773.3
Total (gross)	**267 356.2**	**(1 495.8)**	**8 122.0**	**1 205.5**	**7 831.7**	**275 187.9**
Income						
Staff assessment income	19 889.6	(73.3)	127.4	829.6	883.7	20 773.3
Total (net)	**247 466.6**	**(1 422.5)**	**7 994.6**	**375.9**	**6 948.0**	**254 414.6**

[a] As approved in resolution 62/229.

II. Explanation of the changes in net requirements

4. The changes resulting from the main determining factors reflected in tables 1 and 2 would yield an increase of $7,831,700 in expenditure requirements, for a total revised appropriation of $275,187,900 (gross). Details are as follows:

	(Thousands of United States dollars)	
Appropriation[a]	**267 356.2**	
Variations in budgetary assumptions		
Changes in exchange rates	(1 495.8)	(Based on United Nations operational rates of exchange)
Changes in inflation assumptions	8 122.0	(Based on consumer price indices, post adjustment multipliers promulgated and actual versus budgeted cost-of-living adjustments)
Adjustments to standard salary costs and common staff costs	1 205.5	(Based on analysis of actual payroll data, vacancies, common staff costs, recommendations of the International Civil Service Commission and staff assessment provisions consequent upon consolidation of post adjustment)
Revised total (gross)	**275 187.9**	

[a] As approved in resolution 62/229.

A. Changes in exchange rates

(Decrease: $1,495,800)

5. The basis for recosting can be either the average operational rates of exchange experienced thus far in the biennium (the averaging method) or the operational rates in effect at the time of recosting (the latest rate). It will be recalled that, in its report on the accounts of the United Nations for the biennium ended 31 December 1995, the Board of Auditors recommended that budgetary assumptions relating to operational exchange rates be based on an averaging method instead of the latest available exchange rates (A/51/5 (vol. I)). The Secretary-General had indicated that it would not be advisable to predetermine whether the averaging method or the latest month should be used for budget forecasting and recosting, and that such a decision should be taken at the time of each recosting. This was reported to the General Assembly and agreed to by the Advisory Committee on Administrative and Budgetary Questions, which indicated that the Secretary-General should use such rates as would allow for the lowest estimates.

6. In the present performance report, the exchange rates realized have been applied to the period from January to November 2008 and the November 2008 exchange rate has been applied to December 2008. As a result of the recent appreciation of the United States dollar vis-à-vis other currencies (see figures 1-3 below), the November rate (the latest rate) has been applied for 2009 so as to allow for the lowest estimate in respect of requirements in accordance with established methodology. The decrease of $1,495,800 reflects reduced requirements in 2009, partially offset by additional requirements in 2008. Adjustments resulting from actual experience in 2009 would be implemented in the second performance report for the biennium 2008-2009. The additional requirements under consultants and experts, and contractual services due to exchange rate are attributable to the fact that the provisions in 2008 are higher in comparison to 2009 as a consequence of reduced trial activities envisaged for 2009.

Figure 1
Performance of the euro against the United States dollar, 2008

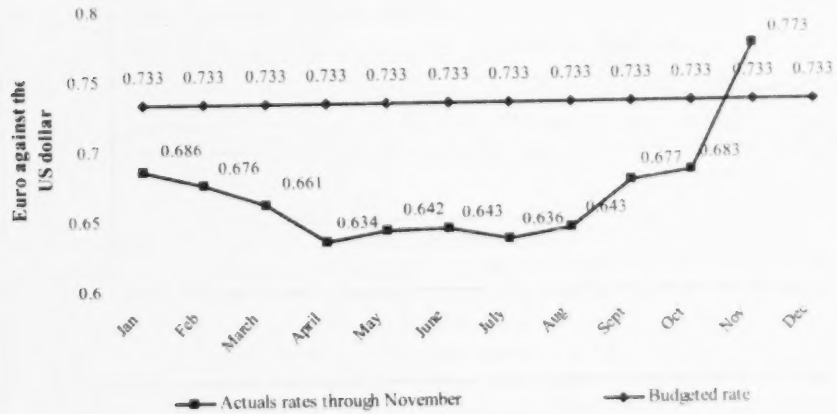


Figure 2
Performance of the Rwandan Franc against the United States dollar, 2008

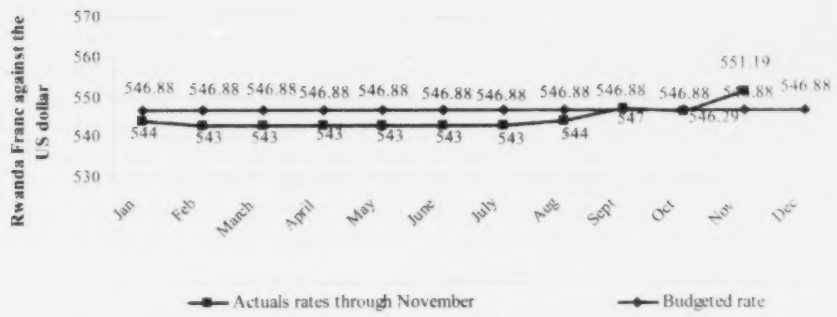
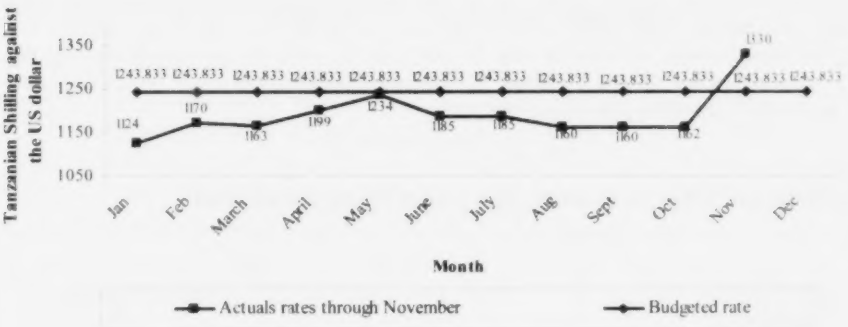


Figure 3
Performance of the Tanzanian Shilling against the United States dollar, 2008



B. Inflation

(Increase: $8,122,000)

7. The revised projected inflation rates applied to all the objects of expenditure in Arusha, Kigali and The Hague are based on actual post adjustment multipliers for the period from January to November 2008 and projections based on data used by the International Civil Service Commission as well as the latest information available on consumer price indices and actual versus budgeted cost-of-living adjustments. The decrease under other staff costs based on inflation rates relates to the one-time provisions in 2009 of general temporary assistance for the continuation of some of the functions of the posts scheduled for abolition effective 1 January

2009. In order to align the inflation adjustment for these provisions with that for posts, the latest standard salary cost parameters applicable to posts have been applied to the provisions under general temporary assistance, which have resulted in reduced requirements.

C. Adjustments to standard costs

(Increase: $1,205,500)

8. The increase of $1,205,500 associated with adjustments to standard costs reflects the net effect of changes in standard salary costs, common staff costs and staff assessment rates. Revisions to standard salary costs for 2008 are based on the actual averages experienced thus far in the biennium, by category and level. Projections for 2009 are based on the trends experienced in 2008.

III. Pension of judges

9. In section II, paragraph 5, of its resolution 62/229, the General Assembly requested the Secretary-General to include, in the context of the first performance report for the biennium 2008-2009, information on specific parameters of the management of the funds to be appropriated to meet future requirements for pension benefits of the judges of the International Criminal Tribunal for Rwanda and eligible beneficiaries.

10. Given that the retirement benefits of the judges of the Tribunal are sui generis, the mechanism that would need to be in place would have a primary investment goal to ultimately meet or exceed future benefit obligations to the retired judges of the Tribunal. The Secretariat is currently discussing the issue of an appropriate mechanism with experts in the field of pension management and will report to the General Assembly on the outcome of those discussions during its sixty-fourth session.

IV. Action requested of the General Assembly

11. **The General Assembly is requested:**

(a) **To take note of the present report;**

(b) **To approve an additional appropriation for the biennium 2008-2009 in the amount of $7,831,700 gross ($6,948,000 net) for the Special Account for the International Criminal Tribunal for Rwanda.**

Annex

Budgetary assumptions for the International Criminal Tribunal for Rwanda for the biennium 2008-2009

	Duty station											
	The Hague (euro to US dollar)				*Arusha (Tanzanian shilling to US dollar)*				*Kigali (Rwanda franc to US dollar)*			
	Initial appropriation		*Proposed estimates for the revised appropriation*		*Initial appropriation*		*Proposed estimates for the revised appropriation*		*Initial appropriation*		*Proposed estimates for the revised appropriation*	
Budget parameters	*2008*	*2009*	*2008*	*2009*	*2008*	*2009*	*2008*	*2009*	*2008*	*2009*	*2008*	*2009*
Rate of exchange	0.733	0.733	0.677	0.773	1 243.833	1 243.833	1 200.167	1 330.000	546.880	546.880	545.139	551.190
Inflation rate (percentage)	2.00	2.00	2.50	1.70	4.90	4.50	9.30	7.70	7.50	7.30	9.50	8.00
Post adjustment multiplier (percentage)	55.75	57.55	67.55	52.10	41.23	43.43	43.45	42.47	47.35	42.68	47.02	53.73
Common staff costs rate (percentage)	40.24	40.24	40.24	40.24	80.56	80.56	80.56	80.56	98.52	98.52	79.84	79.84
Vacancy rates for continuing posts (percentage)												
Professional category and above	9.50	9.50	9.50	9.50	15.10	15.10	15.10	15.10	15.10	15.10	15.10	15.10
General Service and related categories	7.90	7.90	7.90	7.90	8.90	8.90	8.90	8.90	8.90	8.90	8.90	8.90
Vacancy rates for new posts (percentage)												
Professional category and above	50.00	50.00	50.00	50.00	15.10	15.10	15.10	15.10	15.10	15.10	15.10	15.10
General Service and related categories	40.00	40.00	40.00	40.00	8.90	8.90	8.90	8.90	8.90	8.90	8.90	8.90

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Sixty-third session
Agenda item 131
Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

First performance report of the International Tribunal for the Former Yugoslavia for the biennium 2008-2009

Report of the Secretary-General

Summary

The present report, the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2008-2009, is submitted pursuant to General Assembly resolution 62/230. The report reflects a requirement for additional appropriations of $11.4 million, net of staff assessment, over the initial appropriation for the biennium 2008-2009. The increased requirements include changes with respect to exchange rates, inflation and standard salary costs. The Assembly is requested to approve an additional appropriation for the biennium 2008-2009 in the amount of $13,117,900 gross ($11,404,700 net) to the Special Account for the International Tribunal for the Former Yugoslavia.

08-61392 (E) 251108

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I. Introduction

1. The primary purpose of the first performance report is to identify adjustments required owing to variations in the rates of inflation and exchange and in the standards assumed in the calculation of the initial appropriations.

2. The net increase in requirements of $11,404,700 for the International Tribunal for the Former Yugoslavia resulting from these technical adjustments is shown in tables 1 and 2. Table 1 reflects the changes by component and main determining factors and table 2 reflects the changes by object of expenditure and main determining factors.

3. Explanations of the variations in the costing parameters assumed in the calculation of the initial appropriations are detailed in paragraphs 5 and 6 below. In addition, the annex to the report provides the budgetary assumptions used in the initial appropriations for the biennium 2008-2009 and the rates proposed in the present report.

Table 1
Summary of projected expenditures and income by component and main determining factors
(Thousands of United States dollars)

		Projected changes				
Component	Two-year appropriation[a]	Exchange rate	Inflation	Standards	Total	Proposed revised appropriation
The Chambers	13 119.9	17.1	2 769.7	—	2 786.8	15 906.7
Office of the Prosecutor	87 709.3	1 463.4	921.5	941.5	3 326.4	91 035.7
The Registry	242 350.4	3 437.4	1 779.7	1 625.8	6 842.9	249 193.3
Records management and archives	4 387.3	138.7	23.1	—	161.8	4 549.1
Total expenditure (gross)	**347 566.9**	**5 056.6**	**5 494.0**	**2 567.3**	**13 117.9**	**360 684.8**
Income						
Staff assessment	31 094.8	157.2	215.2	1 340.8	1 713.2	32 808.0
Other income	265.3	—	—	—	—	265.3
Total (net)	**316 206.8**	**4 899.4**	**5 278.8**	**1 226.5**	**11 404.7**	**327 611.5**

[a] As approved in resolution 62/230.

Table 2
Summary of projected expenditures by object of expenditure and main determining factors
(Thousands of United States dollars)

		Projected changes				
Component	*2008-2009 appropriation*[a]	*Exchange rate*	*Inflation*	*Standards*	*Total*	*Proposed revised appropriation*
Posts	162 119.7	3 799.9	1 297.7	1 226.5	6 324.1	168 443.8
Other staff costs	39 214.7	(424.8)	578.7	—	153.9	39 368.6
Non-staff compensation	12 934.1	16.8	2 765.8	—	2 782.6	15 716.7
Consultants and experts	857.7	15.6	3.8	—	19.4	877.1
Travel	5 513.4	—	136.3	—	136.3	5 649.7
Contractual services	60 254.1	1 022.1	249.2	—	1 271.3	61 525.4
General operating expenses	29 140.8	389.2	223.6	—	612.8	29 753.6
Hospitality	16.3	0.3	—	—	0.3	16.6
Supplies and materials	2 248.7	27.9	8.7	—	36.6	2 285.3
Furniture and equipment	3 561.8	58.4	14.5	—	72.9	3 634.7
Improvement of premises	320.4	(6.0)	0.5	—	(5.5)	314.9
Grants and contributions	290.4	—	—	—	—	290.4
Staff assessment	31 094.8	157.2	215.2	1 340.8	1 713.2	32 808.0
Total (gross)	**347 566.9**	**5 056.6**	**5 494.0**	**2 567.3**	**13 117.9**	**360 684.8**
Income						
Staff assessment	31 094.8	157.2	215.2	1 340.8	1 713.2	32 808.0
Other income	265.3	—	—	—	—	265.3
Total (net)	**316 206.8**	**4 899.4**	**5 278.8**	**1 226.5**	**11 404.7**	**327 611.5**

[a] As approved in resolution 62/230.

II. Explanation of the changes in net requirements

4. The changes resulting from the main determining factors reflected in tables 1 and 2 would yield an increase of $13,117,900 in expenditure requirements for a total revised appropriation of $360,684,800 (gross). Details are set out below (in thousands of United States dollars):

Appropriation[a]	347 566.9	
Variations in budgetary assumptions		
Changes in exchange rates	5 056.6	Based on United Nations operational rates of exchange
Changes in inflation assumptions	5 494.0	Based on consumer price indices, post adjustment multipliers promulgated and actual versus budgeted cost-of-living adjustments
Adjustments to standard salary costs and common staff costs	2 567.3	Based on analysis of actual payroll data, vacancies, common staff costs, recommendations of the International Civil Service Commission and staff assessment provisions consequent upon consolidation of post adjustment
Revised total (gross)	**360 684.8**	

[a] As approved in resolution 62/230.

A. Changes in exchange rates

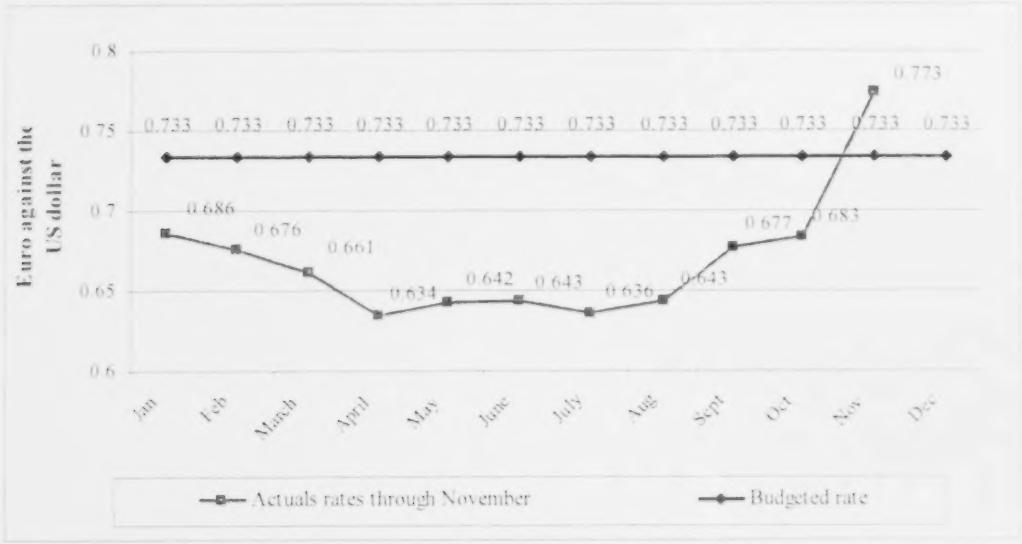
(increase: $5,056,600)

5. The basis for recosting can be either the average operational rates of exchange experienced thus far in the biennium (the averaging method) or the operational rates in effect at the time of recosting (the latest rate). It will be recalled that, in its report on the accounts of the United Nations for the biennium ended 31 December 1995 (A/51/5 (vol. I), chap. II, para. 110), the Board of Auditors recommended that budgetary assumptions relating to operational exchange rates be based on an averaging method instead of the latest available exchange rates. The Secretary-General had indicated that it would not be advisable to predetermine whether the averaging method or the latest month should be used for budget forecasting and recosting and that such a decision should be taken at the time of each recosting. This was reported to the General Assembly and agreed to by the Advisory Committee on Administrative and Budgetary Questions (A/51/7/Add.1-9; see A/51/7/Add.6, para. 5), which indicated that the Secretary-General should use such rates as would allow for the lowest estimates.

6. In the present report, the exchange rates realized have been applied to the period from January to November 2008 and the November 2008 exchange rate has been applied to December 2008. As a result of the recent strengthening of the United States dollar vis-à-vis the euro (see figure below), the November rate (the latest rate) has been applied for 2009 so as to allow for the lowest estimate in respect of requirements in accordance with established methodology. The resulting increase in the amount of $5,056,600 reflects additional requirements for 2008 due to the strengthening of the euro prior to November 2008, partially offset by reduced requirements in 2009. Adjustments resulting from actual experience in 2009 would be implemented in the second performance report for the biennium 2008-2009. The decrease under other staff costs relates to the one-time provisions in 2009 of general temporary assistance for the continuation of some of the functions of the posts scheduled for abolition effective 1 January 2009 and is attributable to the projected

strengthening of the dollar vis-à-vis the euro. The reduced requirements under improvement of premises result from the impact of the strengthening of the dollar on a relatively larger provision in 2009.

Figure
Performance of the euro against the United States dollar: 2008



B. Changes in inflation assumptions

(increase: $5,494,000)

7. The revised projected inflation rates applied to all objects of expenditure in The Hague are based on actual post adjustment multipliers for the period from January to November 2008 and projections based on data used by the International Civil Service Commission as well as the latest information available on consumer price indices and actual versus budgeted cost-of-living adjustments.

C. Adjustments to standard salary costs and common staff costs

(increase: $2,567,300)

8. The increase of $2,567,300 associated with adjustments to standard salary costs and common staff costs reflects the net effect of changes in standard salary costs, common staff costs and staff assessment rates. Revisions to standard salary costs for 2008 are based on the actual averages experienced thus far in the biennium, by category and level. Projections for 2009 are based on the trends experienced in 2008.

III. Pension of judges

9. In section II, paragraph 5, of its resolution 62/230, the General Assembly requested the Secretary-General to include, in the context of the first performance report for the biennium 2008-2009, information on specific parameters of the management of the funds to be appropriated to meet future requirements for pension benefits of the judges of the International Tribunal for the Former Yugoslavia and eligible beneficiaries.

10. Given that the retirement benefits of the judges of the Tribunal are sui generis, the mechanism that would be put in place would need to have a primary investment goal to ultimately meet or exceed future benefit obligations to the retired judges of the Tribunal. The Secretariat is currently discussing the issue of an appropriate mechanism with experts in the field of pension management and will report to the General Assembly on the outcome of those discussions during its sixty-fourth session.

IV. Action to be taken by the General Assembly

11. **The General Assembly is requested:**

(a) **To take note of the present report;**

(b) **To approve an additional appropriation for the biennium 2008-2009 in the amount of $13,117,900 gross ($11,404,700 net) to the Special Account for the International Tribunal for the Former Yugoslavia.**

Annex

Budgetary assumptions: International Tribunal for the Former Yugoslavia for the biennium 2008-2009

	Initial appropriation		*Proposed estimates for the revised appropriation*	
Budget parameters	*2008*	*2009*	*2008*	*2009*
Rate of exchange[a]	0.733	0.733	0.677	0.773
Inflation rate (percentage)	2.00	2.00	2.50	1.70
Post adjustment multiplier (percentage)	55.75	57.55	67.55	52.10
Common staff costs rate (percentage)	40.24	40.24	40.24	40.24
Vacancy rates for continuing posts				
Professional category and above (percentage)	9.50	9.50	9.50	9.50
General Service and related categories (percentage)	7.90	7.90	7.90	7.90
Vacancy rates for new posts				
Professional category and above (percentage)	50.00	50.00	50.00	50.00
General Service and related categories (percentage)	40.00	40.00	40.00	40.00

[a] 1 United States dollar ($): euro (€).

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Sixty-third session
Agenda item 11
The role of diamonds in fuelling conflict

Letter dated 20 November 2008 from the Permanent Representative of India to the United Nations addressed to the Secretary-General

I have the honour, on behalf of the Chair of the Kimberley Process, and pursuant to paragraph 21 of General Assembly resolution 62/11, entitled "The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts", to transmit the enclosed 2008 Kimberley Process report (see enclosure) and to request that the present letter and its enclosure be circulated as a document of the General Assembly, under agenda item 11.

(*Signed*) Nirupam **Sen**

08-61485 (E) 051208

Enclosure

Report of the Kimberley Process to the General Assembly pursuant to General Assembly resolution 62/11

November 2008

1. United Nations General Assembly resolution 62/11 of 26 November 2007 requested the Chair of the Kimberley Process to submit a report on the implementation of the Process to the General Assembly at its sixty-third session. The General Assembly also decided to include in the provisional agenda of its sixty-third session the item entitled "The role of diamonds in fuelling conflict". In pursuance of the above, India, in its capacity as the Chair of the Kimberley Process Certification Scheme (KPCS) for 2008, submits the following report on the implementation of KPCS. The report covers the developments since the report of the European Commission as 2007 Chair dated 13 November 2007 (A/62/543) and up to the New Delhi Plenary communiqué dated 6 November 2008. The New Delhi Plenary communiqué is given at annex I.

2. The Kimberley Process (KP) is a joint government, industry and civil society initiative to prevent the flow of conflict diamonds into legitimate international trade. Recognizing the link between trade in conflict diamonds and armed conflict and its devastating impact on peace, safety and security of people, KP aims to break this link, thereby contributing to the prevention of conflict. The KPCS is implemented through national laws and regulations by establishing a system of internal controls designed to eliminate the presence of conflict diamonds from shipments of rough diamonds imported into and exported from its territory. Today, peace and stability has returned to many countries that were affected by conflict. The elimination of illicit diamonds from legitimate trade is an important catalyst for achieving poverty reduction and meeting the requirements of the Millennium Development Goals (MDGs) in producing countries. Almost all diamond producing, trading and processing countries are participating in the KP.

3. The United Nations General Assembly adopted resolution 55/56 (2000), wherein it expressly supported the creation and implementation of an international scheme for rough diamonds, and by its resolution 57/302 (2003) supported the KPCS, which was formally launched in Interlaken, Switzerland, in November 2002. Since then, the General Assembly has debated the role of diamonds in fuelling conflict every year and has reaffirmed its support for the Scheme. The United Nations Security Council also endorsed the KPCS in its resolution 1459 (2003). The World Trade Organization has granted a waiver with respect to the measures taken to implement KPCS up to 31 December 2012.

4. The KPCS is open on a global, non-discriminatory basis to all countries and regional economic integration organizations willing and able to fulfil its requirements. The KP welcomed Mexico as a participant in 2008. During 2008, Republic of Congo (RoC), which was readmitted into the KPCS during the 2007 Plenary in Brussels, has resumed trade in rough diamonds. As on 6 November 2008, the total number of participants in KP stands at 49, representing 75 countries, including the European Commission as a single participant representing 27 members of the European Union. Algeria, Bahrain, Burkina Faso, Cameroon, Cape Verde, Egypt, Gabon, Kuwait, Mali, Panama, Philippines, Qatar and Swaziland have expressed interest in joining the KP. Burkina Faso and Panama attended the New

Delhi Plenary and affirmed their intention to join KPCS. A list of Kimberley Process participants is given in annex II.

5. The KPCS has six standing bodies viz. Participation Committee (PC), Working Group on Monitoring (WGM), Working Group on Statistics (WGS), Working Group on Diamond Experts (WGDE), Working Group on Artisanal and Alluvial Production (WGAAP) and Committee on Rules and Procedures (CRP). The inclusive approach of the KPCS is reflected in the active participation of most members in the Working Groups. In 2008, the Democratic Republic of the Congo (DRC) and the People's Republic of China joined as members of the WGM and CRP, respectively. The United States of America will succeed Canada as the Chair of WGS with effect from 1 January 2009. The composition of the KPCS Working Groups is given in annex III.

6. In October 2008, the KP Chair team visited the Bolivarian Republic of Venezuela. The visit has helped in establishing communication channels, resulting in a better understanding of the challenges being experienced by the Bolivarian Republic of Venezuelan diamond mining sector. The Bolivarian Republic of Venezuela has voluntarily taken the decision to separate from the KP for a period of two years, and to cease certification for export of its diamonds and therefore no longer exports and imports rough diamonds. However, all other rights and obligations of the Bolivarian Republic of Venezuela remain unaffected, in particular to participate in KP meetings and Working Groups, and the obligation to report on rough diamond production during this period. The KPCS will continue to engage and regularly report on the progress of Venezuela to comply with KPCS minimum standards. The KP will continue to assist and support the Bolivarian Republic of Venezuela in developing a plan of action to implement minimum standards of the KPCS and fully reintegrate in the KPCS.

7. Peer review visits, annual reporting by KP participants and quarterly statistical submissions are tools for monitoring the implementation of the KPCS in KP participants. Peer review visits that are undertaken on a voluntary basis have helped the KP participants to share best practices and resolve implementation issues. In 2008, review visits were undertaken to five important diamond producing and trading centres (United Arab Emirates, Central African Republic, Liberia, Israel and Guinea). Review visits are planned to the European Community, the Democratic Republic of the Congo, Angola, Namibia and Turkey. Invitations for review visits have been extended by Belarus, Sierra Leone, Ukraine and the United States of America.

8. The annual reporting process is a tool through which KP participants on an annual basis provide information on the way in which requirements of KPCS are being implemented. This year, particular emphasis was placed on government oversight, implementation of guidance on internal control, enforcement and best practices. Annual reports for 2007 were received from all participants and were assessed to identify implementation issues and best practices. Dialogue with participants was initiated on the issues identified.

9. Statistics form an integral part of monitoring to ensure that conflict diamonds do not enter into legitimate trade. Statistics for 2007 were received from all KP participants. Statistics submitted for 2007 were assessed in order to analyse trade flows and production level. During 2008, sub-annual data for rough diamond trade and production for 2004 to 2007 were released for the first time and posted on the

KPCS statistical website. Statistical analyses were prepared for all peer review visits during 2008. A workshop was conducted in India during March 2008 on statistics, internal controls and valuations. Ensuring accurate classification of trade in rough diamonds, development of statistical capabilities of KP participants and prospective participants and improving accuracy of statistics continues to be the focus of the KP.

10. In 2008, the KP continued to monitor the situation in Côte d'Ivoire. Innovative scientific and technological tools like satellite monitoring and development of a regional statistical analysis for West Africa to identify trade flows from a regional perspective have been used for this purpose. It is estimated that the total production capacity in Côte d'Ivoire is between 114,000 to 188,500 carats per year. A joint United Nations-KP mission was undertaken to Côte d'Ivoire in April 2008. The mission confirmed continued production of diamonds in Côte d'Ivoire, particularly in the Bobi-Seguela site. The mission confirmed the link between diamond mining and Ivorian conflict to the extent that Ivorian diamonds seem to be effectively controlled and "taxed" by elements of the "*forces nouvelles*", and noted that progress towards implementation of the certification scheme is dependent upon peacebuilding and resolution of the conflict. The joint United Nations-KP visit report to Côte d'Ivoire was submitted to the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire. At the request of the United Nations, a KP expert assessed a specific diamond shipment seized in Mali and confirmed its possible Ivorian origin.

11. The Security Council, by its resolution 1842 (2008), has determined that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region, and has decided to renew until 31 October 2009 the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire. In addition to continuing vigilance by KP participants against Ivorian diamonds, the KP will continue to pursue dialogue with Ivorian authorities regarding preparations for a certification scheme and engage with non-KP participants in West Africa with a view to containing the illicit flow of diamonds from Côte d'Ivoire.

12. In 2008, the KP and Ghana continued their constructive engagement. Experts from Canada and the European Commission's diplomatic missions in Ghana conducted an Update Review Mission to assess Ghana's implementation of the KPCS. The Update Review Mission has concluded that Ghana has made significant progress in addressing weaknesses in internal controls, particularly with regard to the registration of Galamsey miners and the collection of reliable production statistics. The report of the Mission was also provided to the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire. Ghana has provided regular updates during 2008 through reports at KPCS meetings. The KP continues to mobilize technical assistance to Ghana aimed at assisting its efforts to register artisanal miners and to provide accurate assessment of diamond production.

13. The KP continues its efforts to finalize the foot printing (size frequency distribution diagram) exercise in respect of the West African diamond producing participants. Production footprints have been prepared for Côte d'Ivoire, the Marange diamond field in Zimbabwe and Togo. Similar efforts are under way for Ghana. Statistical protocols have been developed to allow comparison of the export footprints with the established production footprint of the KP participants. A comprehensive update of the explanatory notes to the HS classification and coding

system is under preparation and the matter would be further referred to the World Customs Organization when completed. Information technology linkage between participants to improve the quality of KPCS data has also been initiated. In this regard a feasibility study is proposed to be undertaken.

14. Artisanal alluvial diamond mining accounts for a significant proportion of worldwide diamond production and presents unique challenges of internal controls for its production. In 2005, the KP identified a number of key policies and actions that will significantly enhance the ability of artisanal alluvial producing participants of the KP to guarantee that only diamonds produced and traded in accordance with national legislation and the standards of the KPCS can be exported. During 2008, the KP continued to follow up on the action plan. A consolidated matrix of inventories of alluvial artisanal producing participants of the KP has been published for the first time. The inventories will be updated every six months.

15. The KPCS has been active in providing technical assistance and funding to develop capacities of KP participants to effectively implement the KPCS. KP participants, industry and civil society have supported projects in Liberia, Ghana, Guinea, Sierra Leone, the Central African Republic (CAR), Tanzania and Angola. Funding was also received for specific activities such as statistical training, satellite monitoring, participation of observers in peer review visits etc. Belgium has funded a study conducted by Egmont Royal Institute for International Relations on artisanal small scale diamond mining and the United Nations Development Programme (UNDP) for harmonization of mining policies of Mano River Union countries. The United States of America has extended support for land tenure pilot projects in CAR and Guinea. The United States Geological Service and Bureau de Recherches Geologique et Minieres conducted surveys on diamond production potential in CAR and Mali. De Beers continues to offer training in diamond valuation to government diamond officials in African countries.

16. The KPCS continues to systemize its working methods through the development of transparent and uniform rules and procedures. In 2008 the KP developed guidelines that recommend Interim Measures on serious non-compliance with Kimberley Process Certification Scheme minimum requirements, listing out the guiding principles for determination of serious non-compliance and an indicative list of escalating measures — targeted statistical analysis, enhanced monitoring and additional verification measures, mobilization of technical assistance and suspension, and resumption of export and import operations. Rules and criteria for the selection of Vice-Chair of the KP, rules and procedures for readmission of a former KP participant and guiding principles on participation of the guests of the KP Chair in the KP were also developed. A security audit of the KPCS website was carried out in order to secure it from vulnerabilities.

17. The KP is working towards establishing greater cooperation on implementation and enforcement on issues such as fake certificates, the handling of suspicious shipments, and infringements to the KPCS.

18. The KP has emerged as an example of a unique and innovative mechanism in which the national Governments, industry and civil society cooperate with each other to prevent the flow of conflict diamonds into legitimate international trade, thereby creating suitable conditions for ensuring peace, security and the livelihood of millions of people across the globe. During 2008, India continued to work with KP participants, the United Nations and other international organizations towards

strengthening the KPCS by building on the previous traditions and conventions and by coordinating the implementation of the decisions of the KPCS.

19. As per KP procedures, Namibia, Vice-Chair for 2008, will succeed India as KP Chair with effect from 1 January 2009, with Israel as KP Vice-Chair. We extend our best wishes to Namibia and Israel, and are confident that KPCS will be further strengthened in the years ahead.

Annex I

2008 Kimberley Process communiqué

1. The Sixth Annual meeting of the Kimberley Process was held during 3-6 November 2008 at New Delhi, India. 42 Participants of the Kimberley Process Certification Scheme (KPCS) attended the Plenary meeting. The World Diamond Council delegation and Civil Society also attended the Plenary as Observers. Non-Participating Governments comprising of Mexico, Burkina Faso and Panama desirous of joining KPCS as Participants were also present.

2. The Plenary welcomed Mexico as a participant to the KPCS in 2008. The total number of participants in the KP now stands at 49 representing 75 countries (including 27 members of the European Union represented by the European Commission). The Plenary noted that the Participation Committee (PC) has established contact with countries (Algeria, Bahrain, Burkina Faso, Cameroon, Cape Verde, Egypt, Gabon, Kuwait, Mali, Philippines, Qatar and Swaziland) that have expressed an interest in joining the KP.

3. The Plenary ratified the recommendation of the PC for resumption of trade in rough diamonds by the Republic of Congo. Republic of Congo was re-admitted into KPCS during the 2007 Plenary in Brussels.

4. The Plenary acknowledged the successful visit of the KP Chair's team to the Bolivarian Republic of Venezuela and noted that the visit had helped establish communication channels resulting in a better understanding of the challenges being experienced by the Bolivarian Republic of Venezuela in the diamond mining sector.

5. The Plenary took note that the Bolivarian Republic of Venezuela has voluntarily taken the decision to separate from the KPCS for a period of two years and therefore no longer exports and imports rough diamonds. All other rights remain unaffected in particular the right to participate in KP meetings and working groups. The Bolivarian Republic of Venezuela will report on diamond production during this period. The Plenary noted that the resumption of rough diamond trade by the Bolivarian Republic of Venezuela will be subject to a KPCS Review Mission. The KP Chair and the Working Groups will continue to engage with the Bolivarian Republic of Venezuela and assist and support it in developing a plan of action to implement minimum standards of KPCS and fully re-integrate in the KPCS.

6. In pursuance of Recommendation 47 of the 2006 KP Review adopted by the Gaborone Plenary, the Plenary adopted Guidelines for the PC in recommending interim measures on serious non-compliance with KPCS minimum requirements. The document lists out the guiding principles for determination of serious non-compliance and an indicative list of escalating measures — targeted statistical analysis, enhanced monitoring and additional verification measures, mobilization of technical assistance and suspension and resumption of export and import operations.

7. The Plenary welcomed India as the incoming Chair of the PC for 2009.

8. The Plenary reviewed progress under the Brussels Initiative on diamonds from Côte d'Ivoire, and took note of actions taken by the Working Group on Monitoring (WGM). The Plenary took note of the findings of the joint UN-KP field mission of April 2008 and committed to continue collaboration with the United Nations. The Plenary resolved to pursue the monitoring of diamond activity in Cote d'Ivoire and the dialogue with Ivorian authorities regarding preparations for a certification scheme. The Plenary welcomed plans by Cote d'Ivoire to re-establish Government control over diamond mining and trade. The Plenary noted the need to further strengthen internal controls in neighbouring countries and to engage with non-KP Participants in West Africa with a view to containing the illicit flow of diamonds.

9. The Plenary acknowledged the progress made by Ghana in 2008 to strengthen its internal controls. The WGM reviewed risk-based monitoring arrangements for Ghana's exports in light of progress achieved and agreed that implementation of Ghana's action plan would greatly contribute to the effectiveness of the KP.

10. The Plenary noted with concern the continuing challenges to KP implementation in Zimbabwe and recommended further monitoring of developments and concerted actions in that respect.

11. The Plenary expressed satisfaction that Annual Reports for 2007 have been received from all Participants and noted the plan to ensure systematic follow-up to review visit recommendations under the annual reporting process. The WGM informed about upcoming review visits to the European Community, Democratic Republic of Congo, Angola, Namibia, Bangladesh, New Zealand and Turkey, and announced invitations extended by Belarus, Sierra Leone, Ukraine and the United States.

12. The Plenary took note of the discussions initiated by the WGM on cooperation on implementation and enforcement, and encouraged further work on this issue with a view to developing KP guidance on strengthening cooperation in KP on issues such as fake certificates, handling of suspicious shipments and infringements.

13. The Plenary welcomed the Democratic Republic of the Congo as a member of WGM.

14. The Working Group on Statistics (WGS) reported that in 2007 the KPCS monitored US$38.7 billion in rough diamond exports representing more than 470 million carats. Participants issued more than 57,000 KP Certificates to accompany rough diamond consignments traded.

15. In pursuance of the administrative decision adopted at the Brussels Plenary sub annual data for rough diamond trade and production for 2004 to 2007 was released for the first time and posted on the KPCS statistical website. The Plenary noted that all Participants have submitted their statistics for 2007.

16. WGS, Canada and India collaborated in organising a workshop in Mumbai, India in March 2008 on statistics, valuation and internal controls.

17. WGS presented a report of the investigative team on the reported trade between 2004 -2006 in rough diamonds, between Turkey (at the time, a non participant) and several KP Participants. The study concluded that there was no evidence that KP Participants had engaged in rough diamond trade with Turkey before it joined the KPCS in 2007. The Plenary took note of the recommendation of the report that Participants ensure that trade in rough diamonds is accurately classified both on KP certificates and in the national customs data.

18. The Plenary noted that Canada will demit the Chair of WGS with effect from 1.1.2009 and appreciated the leadership provided to the Working Group by Canada.

19. The Plenary welcomed USA as the next WGS Chair.

20. The Plenary endorsed the proposals of the Committee on Rules and Procedures for Administrative Decisions (AD) on Rules and Criteria for selecting candidates for Vice-Chair of the KP and for Rules and Procedures for Re-Admission of a Former Participant to KP. The Plenary also adopted Guiding Principles on Participation of the Guests of the KP Chair in the Kimberley Process.

21. The Plenary welcomed the People's Republic of China as a member of the Committee on Rules and Procedures.

22. The Working Group of Diamond Experts (WGDE) reported to the Plenary the progress on the foot printing exercise that was commissioned in the Moscow Declaration (2005) in respect of the West-African diamond producing participants. Production footprints have been prepared for Cote d'Ivoire, the Marange diamond field in Zimbabwe and Togo. In collaboration with the United States Geological Survey (USGS) and the Working Group of Statistics (WGS), a complete footprint is being finalised for Ghana. At the same time, statistical protocols have been developed to allow comparison of the export footprints with the established production footprint of the participants.

23. The WGDE has strengthened its understanding of the valuation methodologies implemented by KPCS participants. This information has been collected in a comprehensive data matrix for follow-up. The WGDE is also preparing a comprehensive update of the Explanatory Notes to the HS Classification and Coding System, in order to present this update, when finalized, to the HS Committee of the World Customs Organisation (WCO). The Plenary welcomed the WGDE's efforts in this regard.

24. The WGDE reported progress on improving the quality of KPCS data (TG 14) by increased IT linkage between participants. A feasibility study of the WGDE in collaboration with the WGM could be initiated between India and EC.

25. The Working Group on Artisanal and Alluvial Production (WGAAP) analysed the progress achieved under the action plan by the artisanal alluvial producing countries. It published the consolidated matrix of its inventories on a CD ROM and recommended that the inventories be updated every six months.

26. The Plenary noted that WGAAP has continued to follow up on the effective implementation of the Moscow Declaration on internal controls over alluvial diamond production. The Working Group stressed upon the need for regional cooperation in order to prevent the illegal trade in rough diamonds. The WGAAP approved the Memorandum of Understanding with the Diamond Development Initiative (DDI) and supported the conclusions of the Egmont Study on artisanal diamond mining as a basis for further effective implementation of the recommendations of the Moscow Declaration.

27. The Plenary acknowledges that the diamond sector is an important catalyst for achieving Poverty Reduction (PRS) and meeting the requirements of the Millennium Development Goals (MDGs) in producing countries. In that regard, member countries, the industry and civil society are encouraged to provide support and technical assistance to producing countries to develop appropriate policies and programmes so that the diamond sector continues to development of the producing countries.

28. The Coordinator for Technical Assistance reported that Governments, the industry and civil society continued efforts in 2008 to strengthen Kimberley Process implementation through technical assistance. Belgian experts from the Royal Institute for International Relations presented the results of a research study on artisanal small-scale mining.

29. USAID reported on a three-year project in the Central African Republic and Guinea to strengthen property rights to bring alluvial diamonds into formal export channels. The European Commission and the US Geological Survey are conducting field work in Ghana to help produce accurate diamond production assessments.

30. The People's Republic of China will host a two week Kimberley Process training workshop in November 2008 for improving administration of internal controls and regulatory systems in KPCS for African countries. De Beers continues to offer training in diamond valuation to government diamond officials in African countries.

31. The Plenary welcomed the initiative by India of undertaking security audit of the KPCS website in order to secure it from vulnerabilities.

32. The efforts of India to strengthen Kimberley Process in 2008 as KP Chair were appreciated by the Plenary.

33. Israel was selected as the KP Vice Chair for 2009. Israel will succeed Namibia as the Chair of KP from 1st January 2010.

34. Namibia will take over as Chair of the Kimberley Process from 1st January 2009.

6 November 2008.

Annex II

List of Kimberley Process participants as on 6 November 2008

States and regional economic integration organizations which have met the minimum requirements of the Kimberley Process Certification Scheme are:

1.	Angola	26.	Liberia
2.	Armenia	27.	Malaysia
3.	Australia	28.	Mauritius
4.	Bangladesh	29.	Mexico
5.	Belarus	30.	Namibia
6.	Botswana	31.	New Zealand
7.	Brazil	32.	Norway
8.	Canada	33.	Russian Federation
9.	Central African Republic	34.	Republic of the Congo
10.	China	35.	Sierra Leone
11.	Congo, Democratic Republic of	36.	Singapore
12.	Côte d'Ivoire*	37.	South Africa
13.	Croatia	38.	Sri Lanka
14.	European Community	39.	Switzerland
15.	Ghana	40.	Tanzania, United Republic of
16.	Guinea	41.	Thailand
17.	Guyana	42.	Togo
18.	India	43.	Turkey
19.	Indonesia	44.	Ukraine
20.	Israel	45.	United Arab Emirates
21.	Japan	46.	United States of America
22.	Korea, Republic of	47.	Venezuela*
23.	Lao People's Democratic Republic of	48.	Vietnam
24.	Lebanon	49.	Zimbabwe
25.	Lesotho		

Note: The rough diamond-trading entity of Chinese Taipei has also met the minimum requirements of the KPCS.

* Venezuela has voluntarily suspended exports and imports of rough diamonds until further notice.

* Côte d'Ivoire is currently under United Nations sanctions and is not trading in rough diamonds.

Annex III

Composition of the Kimberley Process secretariat and KP Working Groups as on 6 November 2008

(a) Chair and Secretariat (India)

Dr. Rahul Khullar (Chairman 2008)
Smt. Bharathi S. Sihag
Shri Khalid Bin Jamal

(b) Subsidiary bodies

I.
Working Group on Monitoring

Chairman: Mr. Stephane Chardon (European Community)

Assistant: Israel,

Members: Canada, CAR, EC, DRC, India, Israel, PRC, Russian Federation, South Africa, UAE, USA, WDC, GW/PAC

II.
Working Group on Statistics

Chairman: Mr. Rob Dunn (Canada)

Assistant: Botswana

Members: Angola, Botswana, Canada, PRC, DRC, EC, India, Israel, Russian Federation, South Africa, Switzerland, UAE, US, WDC, PAC/GW

III.
Working Group on Diamond Experts and Technical Issues

Chairman: Mr. Mark Van Bockstael (World Diamond Council)

Assistant: South Africa

Members: Australia, Botswana, Canada, PRC, EC, India, Israel, Russian Federation, South Africa, USA, UAE, WDC

IV.
Participation Committee

Chairman: Christian Berger (European Community)

Members: Angola, Botswana, Canada, PRC, EC, India, Israel, Russian Federation, South Africa, USA, WDC, GW/PAC

V.
Committee on Rules and Procedures

Chairman: Mr. Andrey Kutepov (Russian Federation)

Members: Angola, Botswana, Canada, EC, Israel, PRC, Russian Federation, South Africa, Switzerland, USA, PAC/GW, WDC

VI.
Working Group of Artisanal Alluvial Producers

Chairman: Mr. Paulo Mvika (Angola)

Regional Coordinators: Sierra Leone (West Africa), DRC (Central and Southern Africa), Brazil (Latin America)

Members and Observers: Angola, Brazil, Côte d'Ivoire (after sanctions lift), CAR, DRC, Ghana, Guinea, Guyana, Liberia, Namibia, Republic of Congo, Sierra Leone, South Africa, Tanzania, Togo, Venezuela, Zimbabwe, EC, Russian Federation, WDC, PAC and GW

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Security Council
Sixty-third year

Identical letters dated 20 November 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the Law of Georgia on the Occupied Territories.*

I should be grateful if the present letter would be circulated as a document of the sixty-third session of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Irakli **Alasania**
Permanent Representative

* The text of the law is on file with the Secretariat and is available for consultation.

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